

### **REMARKS**

In the Office Action claims 1-20 are pending. By way of the present response the applicant has: 1) amended claim 15; 2) added no claims; and 3) canceled no claims. As such, claims 1-20 remain pending. Applicant respectfully requests reconsideration and the allowance of all claims now presented.

#### **I. Interview Summary**

A telephonic interview was held with Examiner Brian T. O'Connor on May 21, 2008 regarding Application No. 10/682,514. The participants representing the applicant included Matthew W. Hindman. The U.S.C. § 102 rejection over Watanabe, U.S. Patent No. 7,225,269 was discussed with respect to independent claim 1. The substance of the interview included the examiner explaining his positions as follows:

- 1) examiner indicated that the anticipation rejection in the Final Office Action was not intended to combine the administration center 1 with the network gateway device 4 of Watanabe's figure 1, but instead; it was intended that the network gateway device 4 taught in Watanabe alone was intended as anticipating applicant's claimed "network element" of claim 1;
- 2) examiner indicated that in the anticipation rejection of claim 1 in the Office Action that read "unit 13" of Watanabe's figure 8 on applicant's "redirect facility" was not intended, but rather, it was intended that "unit 43" of the network gateway device 4 anticipated applicant's redirect facility; and
- 3) examiner indicated that the redirection of packets is taught in Watanabe since the network gateway device 4 includes a gateway-rule storing table 432 (shown in Fig. 9) that redirects the incoming packets to an alternate destination depending on whether there is a destination address associated with the received packet contained within table 432. If there is a destination address stored within the table 432, the packet is redirected to the destination in the table 432, and if not, the packet is transmitted without redirection to the destination contained within the packet itself.

**II. Claim Rejections 35 U.S.C. § 102**

Claims 1, 2, 5- 9 and 12-20 are rejected under 35 U.S.C. § 1023(e) as being anticipated by Watanabe, U.S. Patent No. 7,225,269 (hereinafter "Watanabe").

Applicant respectfully disagrees for the following independent reasons.

- a. Argument 1: Based on the examiner's current positions as discussed in the interview, applicant believes the 35 USC § 102 rejections in the previous Office Action were overcome by applicant's remarks in the previous response.

Applicant believes the arguments presented in the previous response to the Office Action mailed October 25, 2007 overcame the 35 USC § 102 rejections based on the examiner's statements made during the telephonic interview conducted on May 21, 2008. As a result, applicant hereby incorporates those arguments by reference into this present response. Applicant believes the examiner acquiesced to the applicant's previous arguments made in response to the previous Office Action because the examiner's positions as discussed in the interview are inconsistent with the positions taken by the Final Office Action mailed April 14, 2008. For the sake of clarifying the record, applicant includes the following summary of the differences between the positions held by the examiner in the Final Office Action mailed April 14, 2008 and the examiner's current positions as discussed during the telephonic phone interview conducted on May 21, 2008.

In the Final Office Action mailed April 15, 2008, the Office Action states with respect to independent claim 1,

Watanabe discloses a network device or element ("Administration Center" of Figure 8) that conducts the process of receiving a packet from a remote client (column 3, lines 57-59) and examining a set of rules (12 of

Figure 8) to determine if the packet will be redirected to another network system's address. If the rules indicate a transfer is required then the network device ("Administration Center" of Figure 8) will forward the packet to a transmit-packet processing unit (13 of Figure 8) to perform the redirected forwarding (column 3, lines 60-64; column 10, lines 9-37). The newly forwarded packet will receive a new destination address (Figure 9; column 9, lines 59-65).

Office Action, pp. 2-3. However, based on the telephonic interview with the examiner, few if any of the above positions are consistent with the examiner's current positions as indicated in the interview and summarized above. See Interview Summary supra.

First, the Final Office Action indicates that the "Administration Center" of Watanabe's figure 8 teaches applicant's claimed "network element" where it states,

Watanabe discloses a network device or element ("Administration Center" of Figure 8) that conducts the process of receiving a packet from a remote client (column 3, lines 57-59).

Office Action at p. 2. However, as discussed above, the examiner's current position is that the administration center of figure 8 was not intended to be combined with the network gateway device 4 to make the anticipation rejection. See Interview Summary supra. As a result, applicant believes that the examiner has realized that the administration center 1 and the network gateway device 4 are not within a "single network element" as recited in applicant's claim 1 and argued in the previous response to the Office Action mailed October 25, 2007. Accordingly, applicant believes the examiner has effectively acquiesced to applicant's arguments made in the previous Office Action response and incorporated by reference herein.

Second, the Final Office Action indicates that the gateway rule processing unit (12 of Watanabe's figure 8) teaches applicant's limitation, "examining, based on one or more

policies associated with the packet, to determine whether the packet should be redirected to another destination," where it states,

and examining a set of rules (12 of Figure 8) to determine if the packet will be redirected to another network system's address.

Office Action at p. 2. However, gateway rule processing unit 12 is inside Watanabe's "administration center 1" of figure 8, and, as indicated above, the examiner's current position is that the administration center is not intended to be combined with the network gateway device 4 in the anticipation rejection. See Interview Summary supra. As a result, it is respectfully believed that the examiner has acquiesced to the arguments presented in the prior response to the Office Action mailed October 25, 2007 and incorporated by reference herein.

Finally, the Final Office Action indicates that the administration center teaches the limitation, "forwarding the packet, via a logical interface, to a redirect facility within the network element if the packet should be redirected to another destination," and that the transmit-packet processing unit (13 of Figure 8) teaches the claimed "redirect facility" where it states,

[i]f the rules indicate a transfer is required then the network device ("Administration Center" of Figure 8) will forward the packet to a transmit-packet processing unit (13 of Figure 8) to perform the redirected forwarding (column 3, lines 60-64; column 10, lines 9-37).

Office Action, pp. 2-3. However, as discussed above, the examiner's current position is that the administration center of figure 8 was not intended to be combined with the network gateway device 4 to make the rejection. See Interview Summary supra. Additionally, as discusses above, the examiner indicated that it was not intended that unit 13 of Figure 8 anticipates applicant's claimed "redirect facility," but rather, that the

gateway-rule management unit 43 anticipates applicant's claimed "redirect facility." As a result, it is respectfully believed that the examiner has acquiesced to the arguments presented in the previous response to the Office Action mailed October 25, 2007 and incorporated by reference herein.

As a result of the above, applicant respectfully believes that although the examiner issued a Final Office Action in this case, the examiner has effectively acquiesced to the applicant's arguments proffered in the previous response to the Office Action mailed October 25, 2007 and incorporated by reference herein. Accordingly, applicant respectfully requests reconsideration and withdrawal of the finality of the Office Action mailed April 15, 2008.

b. Argument 2: Watanabe fails to teach or suggest forwarding a return packet from the redirect facility **to the remote client**

Notwithstanding the above, for the sake of expediting prosecution, applicant presents the following argument to address the examiner's current positions as indicated in the interview conducted on May 21, 2008 and summarized above.

With respect to independent claim 1, it is respectfully submitted that the cited Watanabe reference fails to teach or suggest at least the following bolded limitation recited in claim 1:

1. A method in a single network element, the method comprising:  
receiving, at the network element, a packet from a remote client, the packet being addressed to a destination;  
examining, based on one or more policies associated with the packet, to determine whether the packet should be redirected to another destination;

forwarding the packet, via a logical interface, to a redirect facility within the network element if the packet should be redirected to another destination; and

***forwarding a return packet from the redirect facility to the remote client, the return packet including a redirect address associated with another destination.***

Applicant respectfully believes the cited Watanabe reference does not teach or suggest this limitation.

As a preliminary matter, applicant notes that this limitation was not specifically addressed in the Final Office Action. See Office Action, p. 3. That is, the Final Office Action did not address the forwarding of return packets to the remote client. The Final Office Action indicates that the newly forwarded packet will receive a new destination address. See id. However, there is no indication in the Final Office Action as to what the examiner is reading to be the return packet that is forwarded back to the remote client. Based on the applicant's reading of Watanabe, it seems clear that the redirection alleged by the Final Office Action is performed without sending a return packet to the remote client. For example, in Watanabe, col. 10, lines 9-37, the flow of transmit packet processing by the transmit-packet processing unit 41 of the network gateway device is described. In this section, Watanabe indicates that the transmission-path selection processing unit 411 receives a packet from the client (network to be protected 51 or 52 of Figure 1) and searches the gateway-rule storing table 432 for an entry that coincides with the received transmit packet. If a coincident entry is found, Watanabe teaches "processing" the transmit packet according to the gateway rule stored in the table 432. The processing of the packets according to the gateway rule taught in Watanabe includes transferring the packet to the destination if the gateway rule is "transfer" and dropping the packet if the gateway rule is "reject." That is, if the gateway rule is "transfer" then

Watanabe teaches transferring the packet to the destination in the table 432 (or the destination contained in the packet if no destination is listed in table 432) and not back to the remote client as recited in applicant's claim 1. There is no mention in Watanabe of transferring a return packet back to the remote client as recited in applicant's claim 1.

It is respectfully submitted, therefore, that a return packet is not mentioned in the reference because the Watanabe reference does not teach or suggest sending a return packet back to the remote client. The reason for this, under applicant's reading of the reference, is that the Watanabe reference automatically sends the packet to the destination if the processing rule indicates "transfer," and does not need to send the return packet back to the client. Thus, it is respectfully submitted that sending return packets back to the remote client is not taught or suggested in the Watanabe reference.

For this reason, applicant does not believe the Watanabe reference teaches the limitation, "forwarding a return packet from the redirect facility to the remote client, the return packet including a redirect address associated with another destination." Thus, applicant does not believe the cited Watanabe reference teaches each limitation recited in applicant's claim 1. If this rejection is maintained, it is respectfully requested that the Office Action clearly explain or indicate where in the Watanabe reference this limitation is taught. Specifically, it is respectfully requested that the Office Action clearly explain or indicate where in the Watanabe reference forwarding a return packet that includes a redirect address from the redirect facility to the remote client is taught. Accordingly, reconsideration and withdrawal of the claim rejection is respectfully requested as well as withdrawal of the rejections of the corresponding dependent claims.

With respect to independent claim 8, it is respectfully submitted that the cited Watanabe reference fails to teach or suggest at least the following bolded limitation recited in claim 8:

8. A machine-readable medium having executable code to cause a machine to perform a method in a single network element, the method comprising:
- receiving, at the network element, a packet from a remote client, the packet being addressed to a destination;
  - examining, based on one or more policies associated with the packet, to determine whether the packet should be redirected to another destination;
  - forwarding the packet, via a logical interface, to a redirect facility within the network element if the packet should be redirected to another destination; and
  - forwarding a return packet from the redirect facility to the remote client, the return packet including a redirect address associated with another destination.***

Since this limitation in claim 8 is identical to the limitation recited in applicant's claim 1, applicant respectfully requests withdrawal of the rejection of claim 8 for similar reasons as those discussed above with respect to claim 1. Accordingly, reconsideration and withdrawal of the claim rejection is respectfully requested as well as withdrawal of the rejections of the corresponding dependent claims.

With respect to independent claim 15, applicant has amended the claim and respectfully submits that the cited Watanabe reference fails to teach or suggest at least the following bolded limitation recited in claim 15:

15. A single network element, comprising:
- a forwarding engine coupled to a control engine, the forwarding engine configured to:
    - receive a packet from a remote client;
    - examine the received packet based on one or more routing policies to determine whether the packet should be redirected to a redirect destination; and



forward the packet to a redirect unit in the control engine for redirect processes if the packet should be redirected to the redirect unit; and

a control engine including ***the redirect unit to forward a return packet with a redirect address corresponding to the redirect destination embedded therein from the redirect unit to the remote client so that the remote client can access the redirect destination based on the redirect address.***

It is respectfully submitted that applicant's amended limitation above overcomes the 35 USC § 102 rejection for similar reasons as those discussed above with respect to independent claim 1. Accordingly, reconsideration and withdrawal of the claim rejection is respectfully requested as well as withdrawal of the rejections of the corresponding dependent claims.

**CONCLUSION**

Applicant respectfully submits that all rejections have been overcome by the remarks and that all pending claims are in condition for allowance. Accordingly, Applicant respectfully requests withdrawal of the claim rejections.

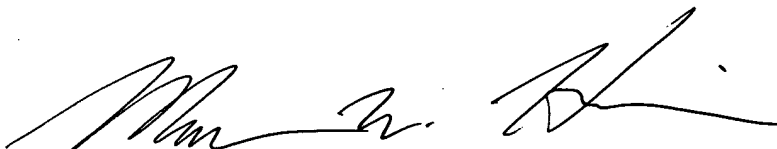
**Invitation for a telephone interview**

If a telephone conference would facilitate the prosecution of this application, Examiner is invited to contact Matt Hindman at (408) 720-8300. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully Submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

Date: \_\_\_\_\_

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